

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA                          )  
    )  
    )  
V.    )     NO. 2:05-CR-70  
    )  
    )     NO. 2:05-CR-75  
MICHAEL VASSAR                                    )

O R D E R

Defendant has filed a motion, long past the deadline for doing so, “to compel discovery of records of criminal activity in presentence reports of government witnesses.”<sup>1</sup>

In the main, this is but another version of one or more prior motions defendant filed in these cases which already have been ruled upon. He recites that, pursuant to Fed.R.Crim.P. 16(a)(1)(E), he is entitled to “records of criminal activity in pre-sentence reports in its possession for witnesses the government intends to call in its case-in-chief.”

(1) Defendant is not entitled to this Court’s presentence reports.  
(2) Any impeachment material, including exculpatory impeachment material, known to the government regarding any potential witness is to be disclosed to the defendant in time for the defendant’s use at trial. *United States v. Presser*, 844 F.2d 1275 (6<sup>th</sup> Cir. 1988). Federal Rule of Criminal Procedure 16(a)(1)(E) cannot be read as supporting the demands which defendant makes in these motions.

---

<sup>1</sup>Doc. 114, in case No. 2:05-CR-70; Doc. 115 in case No. 2:05-CR-75.

(3) Jencks Act material, and Fed.R.Crim.P. 26.2 material, are to be provided to the defendant as Jencks Act and the rules themselves require, but not otherwise, as this Court has ruled in a prior order.

Defendant's motions are **DENIED**.

SO ORDERED:

s/ Dennis H. Inman  
United States Magistrate Judge